

REMARKS

Claims in the case are 1 and 8-31, upon entry of this amendment. Claim 1 has been amended, no claims have been added, and Claims 2-7 have been cancelled without prejudice herein.

Claim 1 has been amended to include the subject matter of Claim 7 herein. Accordingly, Claims 2-7 have been cancelled herein without prejudice.

Applicants wish to inform the Office of copending and commonly assigned United States Patent Application Serial No 10/673,903 (Attorney Docket No. PO-7878).

Claims 1-12 and 14-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-28 of copending and commonly assigned United States Patent Application Serial No. 10/673,906 (Attorney Docket No. PO-7877) (hereinafter the '**906 application**'). This rejection is respectfully traversed with regard to the following remarks.

Included in the appendix herewith is a terminal disclaimer relative to the '906 application'. In light of the terminal disclaimer included herewith, the present rejection is deemed to have been overcome. Reconsideration and withdrawal of the present rejection is respectfully requested.

Certain claims of the present application stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-32 of copending and commonly assigned United States Patent Application Serial No. 10/700,750 (Attorney Docket No. PO-7900) (hereinafter the '**750 application**'). While not stated at the beginning of paragraph-3 on page 3 of the Office Action of 3 October 2005, the present rejection appears to be directed towards Claims 1-7, 15-22, 27 and 30 of the present application. This rejection is respectfully traversed with regard to the following remarks.

The '750 application' went abandoned on Wednesday, 19 October 2005, for failure to respond to an outstanding Office Action dated 19 April 2005. According to Applicants' records, no other related application claiming priority to the '750 application' was filed with the Office prior to its abandonment.

In light of the preceding remarks, the present rejection is deemed to be moot. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-6, 8, 14-18, 20-27 and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by DE 199 52 040. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

The DE 199 52 040 document will be referred to herein (as in the Office Action of 3 October 2005) with reference to United States Patent No. 6,855,396 B1 (**Mennig et al**), an English language equivalent thereof.

Mennig et al disclose a coated substrate that includes: a substrate (e.g., of plastic material); a hard basecoat layer prepared by a sol-gel process from hydrolyzable silane compounds; and a nonostructured topcoat that is prepared by applying a nanoscale composition comprising sol particles and/or particulate solids to the basecoat. See the abstract; column 3, line 17 through column 4, lines 21; column 8, lines 25-31; and column 11, lines 20-25 of Mennig et al.

Mennig et al does not disclose, teach or suggest a method of preparing a multilayered coated article that includes the step of forming a scratch-resistant layer that includes a polycondensate prepared from at least one multifunctional cyclic organosiloxane.

It is noted that the present rejection does not include Claim 7. As discussed previously herein, step-(b) of Claim 1 (relating to the scratch-resistant layer) has been amended to include the subject matter of Claim 7.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by and patentable over Mennig et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 9, 11-13, 19 and 28-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mennig et al. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Mennig et al has been discussed previously herein and discloses a coated substrate that includes: a substrate (e.g., of plastic material); a hard basecoat layer prepared by a sol-gel process from hydrolyzable silane compounds; and a nonostructured topcoat that is prepared by applying a nanoscale composition comprising sol particles and/or particulate solids to the basecoat.

Mennig et al does not disclose, teach or suggest a method of preparing a multilayered coated article that includes the step of forming a scratch-resistant layer that includes a polycondensate prepared from at least one multifunctional cyclic organosiloxane.

It is noted that the present rejection does not include Claim 7. As discussed previously herein, step-(b) of Claim 1 (relating to the scratch-resistant layer) has been amended to include the subject matter of Claim 7.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over Mennig et al.

Reconsideration and withdrawal of the present rejection is respectfully requested.

Claim 10 stands rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Mennig et al. This rejection is respectfully traversed in light of the amendments herein and the following remarks.

Mennig et al has been discussed previously herein and discloses a coated substrate that includes: a substrate (e.g., of plastic material); a hard basecoat layer prepared by a sol-gel process from hydrolyzable silane compounds; and a nanostructured topcoat that is prepared by applying a nanoscale composition comprising sol particles and/or particulate solids to the basecoat.

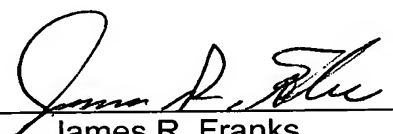
Mennig et al does not disclose, teach or suggest a method of preparing a multilayered coated article that includes the step of forming a scratch-resistant layer that includes a polycondensate prepared from at least one multifunctional cyclic organosiloxane.

It is noted that the present rejection does not include Claim 7. As discussed previously herein, step-(b) of Claim 1 (relating to the scratch-resistant layer) has been amended to include the subject matter of Claim 7.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by, and unobvious and patentable over Mennig et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By 
James R. Franks
Attorney for Applicants
Reg. No. 42,552

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3808
FACSIMILE PHONE NUMBER:
(412) 777-3902

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